

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

SHEET METAL WORKERS' LOCAL UNION
NO. 80 PENSION TRUST FUND, *et al*,

Plaintiffs,

v

ACTION AIR CONDITIONING, REFRIGERATION
& HEATING, INC.,

Defendant.

Case No. 10-11518

Hon. Patrick J. Duggan

**ORDER ADJUDGING JOHN D. POLSTER IN CONTEMPT
OF COURT, ESTABLISHING PROCEDURES FOR ISSUANCE OF
BENCH WARRANT, AND FOR OTHER RELIEF**

THIS MATTER has come before the Court upon application of counsel for Plaintiffs for order to show cause why John D. Polster, ("Polster") should not be held in contempt of court for his failure to comply with this Court's Order for Examination of Judgment Debtor Supplementary to Judgment and Restraining Transfer of Property (the "Order") entered on September 24, 2010, which required that Mr. Polster appear at the law offices of Erman, Teicher, Miller, Zucker & Freedman, P.C. on November 10, 2010, and produce certain books and records. Mr. Polster has failed to comply with the Order, and a hearing to show cause why this Court's Order for Contempt should not be entered was conducted before the Court on Wednesday, January 12, 2010 at 2:30 p.m. The Court has considered oral argument, is fully advised in the premises, and finds good cause for entry of this Order;

NOW THEREFORE;

IT IS HEREBY ORDERED AND ADJUDGED AS FOLLOWS:

1. John D. Polster is hereby adjudged in contempt of this Court for his failure to comply with this Court's Order for Examination of Judgment Debtor Supplementary to Judgment and Restraining Transfer of Property entered on September 24, 2010, in light of Mr. Polster's failure to appear at the law offices of Erman, Teicher, Miller, Zucker & Freedman, P.C. on November 10, 2010 and produce certain books and records.
2. Mr. Polster may purge himself of contempt by satisfying each of the following conditions:
 - i. Contacting David Eisenberg at the law offices of Erman, Teicher, Miller, Zucker & Freedman, P.C., (248) 827-4100, within seven (7) days of service of this Order, and arranging to appear for a judgment debtor examination to be conducted at the at the law offices of Erman, Teicher, Miller, Zucker & Freedman, P.C.;
 - ii. Appearing for such judgment debtor examination, and;
 - iii. Producing the required books and records as set forth in this Court's Order for Examination of Judgment Debtor entered on September 24, 2010.
3. In the event Mr. Polster fails to purge himself of contempt by satisfying each of the provisions of paragraphs 3(i)-(iii) above, and upon the filing by Plaintiffs' counsel of an ex parte affidavit of such non-compliance, this Court shall, without further application to or hearing before this Court, issue its bench warrant for the immediate arrest of John D. Polster and requiring John D. Polster's immediate appearance before this Court at its next session.

5. This Order shall be served upon John D. Polster by mailing the same to Mr. Polster at 9926 Columbia, Redford, Michigan 48239. Service shall be complete upon mailing.

DATED: January 12, 2011

s/Patrick J. Duggan
UNITED STATES DISTRICT JUDGE

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